

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

TIMOTHY HICKMAN-SMITH,

Defendant.

8:14CR367

ORDER

This matter is before the court on the motion of defendant Timothy Hickman-Smith (Hickman-Smith) to amend the transcript of the hearing on Hickman-Smith's motion to suppress (Filing No. 45). A transcript of the hearing was filed on January 9, 2015 (Filing No. 39). Hickman-Smith asserts the witness Fortune responded to a question stating "I lied," and such statement does not appear in the transcript. The government did not respond.

The motion is granted to the extent the Clerk shall cause the transcriber to re-review the recording, especially at Line 21 on Page 49 of the transcript, to determine what the witness Fortune stated and shall file an amended transcript to include any words or utterances. If unintelligible, the transcript shall so state. If the transcriber believes the transcript is accurate, the transcriber shall so notify the court.

IT IS SO ORDERED.

DATED this 9th day of February, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge